

House Study Bill 687 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON GRASSLEY)

A BILL FOR

1 An Act relating to the assessment of an agricultural property
2 offense surcharge on criminal offenses involving crops,
3 livestock, or honey bees, and making an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.8102, subsection 135A, Code 2018, is
2 amended to read as follows:

3 135A. Assess the surcharges provided by sections 911.1,
4 911.2, 911.2A, 911.2B, 911.2C, 911.3, and 911.4, and 911.5.

5 Sec. 2. Section 602.8108, Code 2018, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 5A. The clerk of the district court shall
8 remit all moneys collected from the agricultural property
9 offense surcharge as provided in section 911.5 to the state
10 court administrator. The moneys are appropriated to the
11 judicial branch for purposes of supporting judicial branch
12 operations.

13 Sec. 3. Section 902.9, subsection 2, Code 2018, is amended
14 to read as follows:

15 2. The surcharges required by sections 911.1, 911.2,
16 911.2A, and 911.3, and 911.5 shall be added to a fine imposed
17 on a class "C" or class "D" felon, as provided by those
18 sections, and are not a part of or subject to the maximums set
19 in this section.

20 Sec. 4. Section 903.1, subsection 4, Code 2018, is amended
21 to read as follows:

22 4. The surcharges required by sections 911.1, 911.2,
23 911.2A, 911.3, and 911.4, and 911.5 shall be added to a fine
24 imposed on a misdemeanor as provided in those sections,
25 and are not a part of or subject to the maximums set in this
26 section.

27 Sec. 5. NEW SECTION. **911.5 Agricultural property offense**
28 **surcharge.**

29 1. In addition to any other surcharge, the court or clerk
30 of the district court shall assess an agricultural property
31 offense surcharge equal to thirty-five percent of the fine or
32 forfeiture imposed, if an adjudication of guilt or a deferred
33 judgment has been entered for a criminal offense for committing
34 any of the following:

35 a. Theft of agricultural property under section 714.2,

1 subsection 1, 2, or 3.

2 *b.* Criminal mischief under section 716.3, 716.4, or 716.5,
3 by damaging, defacing, altering, or destroying agricultural
4 property.

5 2. As used in this section, agricultural property means any
6 of the following:

7 a. A crop as defined in section 717A.1.

8 *b.* Livestock as defined in section 717.1.

9 c. (1) A colony or package as defined in section 160.1A,
10 or a hive where bees are kept as described in section 160.5,
11 if the department of agriculture and land stewardship is
12 authorized by that chapter to inspect the colony, package, or
13 hive or to regulate the movement of the colony, package, or
14 hive.

15 (2) A queen bee that is part of a colony or is being moved
16 to be part of a colony as described in subparagraph (1).

17 3. The surcharge shall be remitted by the clerk of the
18 district court as provided in section 602.8108, subsection 5A.

EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 GENERAL. This bill requires that a person convicted of a
23 crime relating to agricultural property (agricultural property
24 offense) is subject to surcharge (agricultural property offense
25 surcharge) equal to 35 percent of the fine or forfeiture
26 imposed by the court. The moneys are required to be remitted
27 by the clerk of court to the state court administrator and are
28 appropriated to the judicial branch for purposes of supporting
29 judicial branch operations.

30 AGRICULTURAL PROPERTY OFFENSE. The agricultural property
31 offense must involve either: (1) the theft of agricultural
32 property or (2) criminal mischief for damaging, defacing,
33 altering, or destroying agricultural property. In addition,
34 it must be classified as a first degree offense (class "C"
35 felony), second degree offense (class "D" felony), or third

1 degree offense (aggravated misdemeanor).

2 PROPERTY SUBJECT TO THEFT OR CRIMINAL MISCHIEF. The
3 agricultural property is limited to: (1) a crop, (2)
4 livestock, or (3) honey bees or associated items. A crop
5 is any plant maintained for its parts or products having
6 commercial value, including a plant produced from an
7 agricultural seed, or a plant which is a tree, shrub, vine,
8 berry plant, greenhouse plant, or flower. Livestock is an
9 animal belonging to the bovine, caprine, equine, ovine, or
10 porcine species, or an ostrich, rhea, emus, farm deer, or
11 poultry. Honey bees are kept as a colony and enclosed in a
12 container (or hive with moveable frames) with combs where
13 worker bees and a queen bee reside. A honey bee may also be
14 kept in a package during shipment.

15 DEGREES OF THEFT OR CRIMINAL MISCHIEF. The degree of the
16 offense for theft or criminal mischief, and its punishment,
17 corresponds to the dollar amount of the value of the property
18 subject to the offense. If the value exceeds \$10,000, the
19 offense is theft or criminal mischief in the first degree and
20 punishable as a class "C" felony with confinement for no more
21 than 10 years and a fine of at least \$1,000 but not more than
22 \$10,000 (for theft, see Code section 714.2(1) and for criminal
23 mischief, see Code section 716.3). If the value exceeds \$1,000
24 but does not exceed \$10,000, the offense is classified as theft
25 or criminal mischief in the second degree and punishable as a
26 class "D" felony with confinement for no more than five years
27 and a fine of at least \$750 but not more than \$7,500 (for theft,
28 see Code section 714.2(2) and for criminal mischief, see Code
29 section 716.4). If the value exceeds \$500 but does not exceed
30 \$1,000, the offense is classified as theft or criminal mischief
31 in the third degree and punishable as an aggravated misdemeanor
32 with confinement for no more than two years and a fine of
33 at least \$625 but not more than \$6,250 (for theft, see Code
34 section 714.2(3) and for criminal mischief, see Code section
35 716.5).